

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHANNON D. GRIFFITH,

Petitioner,

v.

STEVE LARKINS,

Respondent.

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Case No. 4:09CV01092-JCH

ORDER

This matter is before the Court on Petitioner's Motion to Stay his Petition for Writ of Habeas Corpus, filed January 25, 2010, (Doc. No. 17), and his Motion for Appointment of Counsel, filed March 24, 2010, (Doc. No. 19).

A. Motion to Stay

Petitioner requests additional time to file his traverse. In an Order dated February 19, 2010, the Court permitted Petitioner to file his traverse within thirty (30) days of that Order. Petitioner, however, has failed to file a response to Respondent's Response to the Court's Order to Show Cause. Thus, the Court will deny Petitioner's Motion to Stay.

B. Motion for Appointment of Counsel

There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief, whether the plaintiff will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the plaintiff's allegations, and whether the factual and legal issues presented by the action are

complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering Petitioner's Motion for Appointment of Counsel in view of the relevant factors, the Court finds that the facts and legal issues presented in the instant case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by Shannon Griffith indicate that he is capable of presenting the facts and legal issues without the assistance of counsel. Petitioner's Motion for Appointment of Counsel will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Stay his Petition for Writ of Habeas Corpus (Doc. No. 17) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Appointment of Counsel (Doc. No. 19) is **DENIED**.

Dated this 17th day of August, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE